THE

WEEKLY ENTERTAINER.

For MONDAY, March 28, 1803.

INTERESTING TRIALS.

Trials of Colonel Deſpard and his Accomplices for High Treaſon.

(Continued from Page 231.)

THE evidence for the crown being ended, Lord Ellenborough addreſſed the priſoner as follows:

Lord Ellenborough.—"Priſoner, would you wiſh to ſay any thing yourſelf, or do you leave your defence to your counſel? They are at liberty to ſpeak in your behalf both as to the law and the fact."

Priſoner.—"My Lord, I leave my defence entirely to my counſel."

Mr. Serjeant Beſt.—Gentlemen of the jury, it now becomes my duty to addreſs you, on the part of the gentleman at the bar. You will eaſily conceive it one of the moſt painful duties that can poſſibly be caſt on a man ſtanding in my ſituation: for, however unfavourable the caſe laid before you may appear, yet when it is recollected that it is my province to bring forward its moſt prominent features, argue them in the moſt favourable point of view, and draw thoſe inferences from them which ſhall induce you to acquit him of a charge that reaches his life, character, and honour—every thing moſt dear to him—every thing that can affect him in this world and in the world to come, you muſt be ſenſible I have need of all that intereſt and attention, on your parts, which a ſubject of ſo important a nature demands. If I did not feel that I was addreſſing you in a court of juſtice, where I have all thoſe advantages which the attorney-general has enumerated; if I was not ſenſible I am aſſiſted by the learned and noble judge, who is by the conſtitution of the country equally with myſelf the counſel for

the priſoner; if I was not appealing to a jury who knew that the law, of which they are the guardians, is to be adminiſtered in mercy, I ſhould be incapable of performing the arduous taſk impoſed on me.

The learned attorney-general has with great propriety ſtated, it is a principle in the adminiſtration of juſtice, that the greater the crime is, the greater ſhould be the caution of the jury in weighing the evidence before they deliver the perſon accuſed to that vengeance of the law which awaits him in caſe they pronounce him guilty. It is no new principle. It is applicable to every caſe of enormity, and has been recognized by the ableſt judges and writers. If it is true with regard to caſes which only affect the public in a moral point of view, how much more ſo muſt it be in thoſe in which you, as repreſentatives of the public, are proſecutors? It is the peculiar misfortune of a perſon who is tried for high treaſon, that you cannot be indifferent to the charge againſt him. The offence is one which directly attacks ſociety itſelf, and thoſe laws to which you look up for protection. If it is neceſſary therefore, you ſhould guard yourſelves againſt that indignation which induces you to attach guilt to perſons accuſed of leſſer offences, how much more ought you to act with circumſpection in a caſe of high treaſon, in which you cannot avoid feeling an intereſt in delivering over the perſon to whom it is imputed, to that puniſhment a crime of ſuch deep malignity merits? The learned attorney-general ſtated ſome of the advantages a priſoner has when put on his trial for high treaſon, and he mentioned this as one of the caſes; I highly approved his obſervation. He ſaid, thoſe who planned the ſcheme of liberty the people of this country have enjoyed ſince the glorious revolution, were ſenſible that where the ſtate was the proſecutor, and ſent into a court of juſtice the whole weight of legal talent againſt the accuſed, that it was neceſſary the priſoner ſhould have a greater degree of allowance and indulgence than if charged with a crime of leſſer magnitude. This indulgence is certainly one of the moſt beautiful parts of the conſtitution. There is nothing ſhews the exiſtence of that true liberty we enjoy in this country ſo much, as the fair mode of adminiſtering juſtice with regard to the trial of preſumed traitors: it preſents the moſt amiable picture of impartial juriſprudence—one which, if duly contemplated, will teach thoſe if any there are, any who are hoſtile to our government and conſtitution, that if there is any country on the face of the habitable world, in which real liberty flouriſhes, it is in this. It is the only country in which thoſe who are charged with an attempt to overturn the government, and whatever is dear and valuable, have the leaſt chance of a fair trial. For no other crime, even though it ſhould embrace every ſpecies of atrocity, does the law allow a ſimilar indulgence to a priſoner. If the gentleman at the bar was accuſed

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of the fouleſt murder, I ſhould not, as his counſel, have the liberty of addeſſing you. I make theſe obſervations for the purpoſe of ſhewing you, that thoſe who founded the laws with regard to trials for high treaſon, were convinced how neceſſary they were to ſecure the ſubject from that prejudice which ſuch an accuſation is likely to excite. Having made theſe obſervations, I am perſuaded it will be unneceſſary for me to deſire you to do all you can to diveſt yourſelves of that prejudice you may be diſpoſed to feel, and to do that, which the laws of your country demand of you, and without which there can be no liberty in the country. I mean to preſume the priſoner innocent, until his guilt is clearly made out—till it is made out, not by that ſpecies of evidence you have heard to-day, but by legal and due proof. Permit me to call your attention to ſome few rules of evidence which have been wiſely adapted in caſes of this ſort; ſome of them are applicable to caſes in general, that come before criminal tribunals: that they will have the ſanction of the learned judges who hear me, I am perſuaded. I would not ſtate them, if I did not think ſo. I omitted to obſerve, that this is almoſt a queſtion of fact; and God forbid I ſhould ſay, if the facts alledged are clearly made out, they do not amount to high treaſon. The only queſtion for the conſideration of the court and jury will be, whether the different facts are made out by clear and ſatisfactory evidence; and whether the treaſon has been manifeſted by the beſt evidence that could have been obtained, or by that ſort of evidence by which it ought to have been proved. There is one rule of law which has ever prevailed, and that is, that treaſon cannot be made out by words; it muſt be by acts, deeds, or writings. This is the principle of the ancient law, and by the ſtatute 36 Geo. III. on which this indictment is framed, the treaſon muſt be by writing or printing. Thus you ſee, that what is alledged to be treaſon is not to be made out by the mere declarations of the party accuſed. I do not mean to ſay that the parole teſtimony of witneſſes is not to be received, but only that a man is not to be convicted of high treaſon without concurrent proof by writings or deeds. But it may be ſaid, why does the law allow it to be received, if it cannot be the foundation of a conviction? I will tell you why. It allows it to be received to explain tranſactions, which in themſelves would otherwiſe be inexplicable.

I am about to advert to a book which I am aware I ſhall be told is not authority in an Engliſh court of juſtice. It is not, I admit, an authority on which a judge is bound to act; but it is an authority which muſt have weight, wherever reaſon and juſtice preſide. The learned man who is the author of it has expreſſed my opinion infinitely better than I can expreſs it by any words in my power to uſe. Monteſquieu, in his Spirit of Laws, ſpeaking of treaſon thus expreſſes himſelf: "Nothing renders the

crime of high treaſon more arbitrary, than declaring people guilty of it for indiſcreet ſpeeches. Speech is ſo ſubject to interpretation; there is ſo great a difference between indiſcretion and malice, and frequently ſo little is there of the latter in the expreſſions uſed, that the law can hardly ſubject people to a capital puniſhment for words, unleſs it expreſsly declares, what words they are which render a man guilty. Words do not conſtitute an overt act, they remain only in idea; they generally, when conſidered by themſelves, have no determinate ſignification; for this depends on the tone in which they are uttered. It often happens, that in repeating the ſame words, they have not the ſame meaning. This meaning depends on their connection with other things, and ſometimes more is expreſſed by ſilence than by any diſcourſe whatſoever. As there can be nothing ſo equivocal and ambiguous as all this, how is it poſſible to convert it into a crime of high treaſon? Wherever this law is eſtabliſhed, there is an end not only of liberty, but even of its very ſhadow." It is impoſſible that the ideas of any Engliſh lawyer could be more clearly or better expreſſed. If a man was to be accuſed of going to a public market, to excite the people to revolt, five hundred people might be brought to prove that he did ſuch and ſuch particular acts, or he might bring the ſame number to prove he did not do them; but what would he do if he was brought to trial for thoſe acts, which he could have no opportunity of contradicting? for what paſſed in a private room, in the midſt of perſons of a deſcription ſo infamous as thoſe who have been produced upon the preſent occaſion do not tell me that the law, as defined, admits of conſtructive treaſons, when the law ſays you can only convict on overt acts. I am aware that going to a traiterous meeting is an overt act, but with great ſubmiſſion to the attorney-general, he is begging the queſtion; for before he can ſay that attending a meeting is high treaſon, he muſt ſhew me that it is a treaſonable meeting. Something elſe than the bare meeting muſt be added to ſhew me that it is an overt act of high treaſon. You have no legitimate proof that any meeting Colonel Deſpard ever attended was a meeting for traiterous purpoſes. There is writing in this caſe I admit. I could explain that writing, if I was called upon to do ſo, but I am not driven to the neceſſity of taking notice of it. I do not care whether that writing is treaſonable or not, for it is in noways connected with the priſoner, except by the evidence of William Francis. There is not an atom of evidence beſides this, to affect the gentleman who ſtands at the bar. The only evidence againſt him is, that he attended one meeting; namely, that meeting at which he was apprehended: for as to his attendance at any other, it is proved by witneſſes, whoſe teſtimony, I will undertake to convince you, if it can be for a moment believed, there is not a man whoſe fame, fortune, or life, can be

ſafe.

ſafe. Let us contraſt this caſe with thoſe which have occurred before, and ſee whether it is not materially different from them. In the caſe of Chriſtopher Layer, what was the evidence? Did the counſel for the crown content themſelves with calling evidence to prove that the priſoner attended meetings? No; they proved that arms were found, and they proved a plan, in his own hand-writing, to overturn the government of the country. In all the other caſes I venture to appeal with confidence to every one who hears me, whether, in any that have occurred ſince the revolution, for I will never admit that a precedent is to be drawn from what paſſed before, at a period when judges were objects of ſuſpicion, and not as they are now, objects of admiration, and as eminent for their independence as their learning. From the period of the revolution, then I aſk, whether a ſingle ſolitary inſtance can be found, in which a man has been convicted of high treaſon by merely ſhewing him to have attended a meeting, without, at the ſame time, proving acts indicating that crime? I do not mean to ſay that any thing is neceſſary to be done towards the immediate accompliſhment of the treaſon, but a jury ought to require it to be ſhewn that the accuſed at leaſt had the means of carrying the deſign into execution. I can conceive a caſe in which treaſon would be complete, though it was only in preparation. That caſe is, where a treaſon was meditated, which it required time to ripen, and where the moment of action was at a diſtance. According to the evidence, this was not that incohate ſpecies of treaſon, but, from the account given by the witneſſes, it appears the treaſon was not only conceived, but at the moment of being carried into execution; and though witneſs after witneſs has been called, no one has pointed out where there were any arms, ammunition, or the means of its being attended with any probability of ſucceſs. Though the object was the taking the tower of London, the firſt fortreſs in point of ſtrength in the kingdom, and from which you are told the priſoner ſaid he could batter the town to atoms, yet you do not find he had a ſingle inſtrument ready to effect this deſign, ſave a few tobacco-pipes, or that the whole exchequer of the conſpirators did amount to more than 15s. 8d. If ſuch a conſpiracy had ever been proved by people of a deſcription different from thoſe whoſe evidence you have heard, would you not ſay, the whole ſtory was too improbable to be entitled to belief? You have none of the writings brought home to Colonel Deſpard; but it may be ſaid, he was ſo cautious a man, that he would take care their contents ſhould not attach to him? Can the attorney-general be permitted to ſay this; can he repreſent the priſoner as a cautious and incautious man at the ſame time? It is impoſſible that man ſhould be deſcribed as cautious, who is repeatedly found, according to the teſtimony of the witneſſes, talking to every ſtranger he meets, upon a ſubject which he could not but be aware, if developed,

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muſt affect his life. I come now to a topic which is the moſt important of any one I have to addreſs you upon, and it is, that it is a rule of evidence not merely applicable to high treaſon, but every other crime, that the caſe ſhould be made out by credible witneſſes. It may be put to me—Do you mean to ſay, that witneſſes who are accomplices ought not to be received? Certainly they ought; but I think I can ſtate the line which conſtitutes the utmoſt extent to which their evidence is entitled to credit. The evidence of an accomplice is intitled to credit, where it explains a tranſaction which has been proved by other witneſſes. The humane language of the law of this country is, that it is better ninety-nine guilty perſons ſhould eſcape juſtice, than that one innocent man ſhould ſuffer injuſtice. The teſtimony of accomplices then ought not to be received till after a crime has been made out by others. Let me aſk you, if one tittle of proof has been adduced in this caſe, except by the evidence of accomplices? or any one circumſtance alledged againſt the priſoner at the bar, except his being preſent at the meeting at the Oakley Arms? If ſo, it is not the caſe of Colonel Deſpard I am pleading, but of every individual. The principles upon which the law and Engliſh liberty are founded, are thoſe which afford protection againſt foul charges in courts of juſtice. I am arguing before you a rule of evidence, which yourſelves and the moſt innocent perſons may want the protection of. After you have exerciſed the important and conſtitutional function with which you are collectively inveſted, you muſt individually deſcend to the rank of ſimple citizens, and your lives and properties may be liable to be attacked by evidence ſimilar to that which has this day been produced againſt the unfortunate gentleman at the bar—It muſt be admitted, that only four of the witneſſes for the crown, in the leaſt degree, go to affect the priſoner; thoſe four are, Windſor, Blades, Francis and Emblin, and I think I am entitled to ſay, that not one of theſe perſons have a right to the leaſt degree of credit. I may be told, that though each of theſe, ſeparately, could not bring home a caſe of guilt, yet that altogether they prove one. I feel the full force of what the ſolicitor-general will ſay on this ſubject in his reply. I admit, that if witneſſes came from different parts, and all agree in the ſame ſtory, they are, to a certain extent, intitled to belief; but this obſervation, which has been conſtantly made, does not apply to a caſe of conſpiracy: for where men attempt to faſten a crime on another for conſpiracy, they will, of courſe, do it by a ſtory which ſhall be ſupported by a concurrence of teſtimony. Men actuated by ſuch an intention will take care, that in their narrative they ſhall exactly reſemble each other. If the charge is founded in a conſpiracy, it makes no difference, whether it is ſupported by an hundred witneſſes or by a few; it is not by putting a number of broken reeds together, that you can

impart ſtrength to the bundle. If I ſhew that the tranſaction is altogether infamous, and that the witneſſes have conſpired to charge Colonel Deſpard with that which belongs to themſelves, it is your duty to acquit him. I come now to a ground which is deciſive of the caſe; you have heard a tale which freezes one's blood with horror; it is almoſt impoſſible for any man to liſten to ſuch a ſtory, without being deprived of thoſe faculties neceſſary to enable him to extricate the unfortunate gentleman at the bar from the labyrinth in which he has, by the wickedneſs of others, been entangled.

(To be continued.)

Hiſtory of that faſhionable Amuſement, "*The Rout.*"

[From the Literary Journal.]

THIS non-deſcript entertainment is almoſt peculiar to this country, and as far as we have been able to learn, very imperfectly imitated in any other. The thing itſelf is not of very ancient ſtanding. It appears to have been ſo imperfectly known when Dr. Johnſon publiſhed his Dictionary, that he has not admitted this meaning of the word. He defines *rout* to be "a clamorous multitude: a rabble: a tumultuous crowd." And his authorities are from Spenſer, Shakeſpeare, Bacon, Milton, and others, who, whatever their genius or acquirements, were permitted to depart this life in ignorance of a *rout*. Nor has the word been adopted into the more recent editions of that celebrated work; nor has Mr. Maſon given it in his late ſupplement to Dr. Johnſon's Dictionary, while he has favoured his readers with many words that ſeem not quite ſo proper for genteel language. The only dictionary in which *rout* is to be found, is that of Dr. Aſh, publiſhed in 1775, a work which very unaccountably has been neglected by the public, although it contains more words than any other. This lexicographer defines *rout* to be "an irregular kind of aſſembly among great people at their own houſes." In this definition, it muſt be confeſſed, there is ſome information given, and ſome ſuppreſſed. We know by this, that it is a kind of aſſembly, and an irregular kind of aſſembly, but in what reſpects it differs from regular aſſemblies, the doctor is ſilent. It is alſo ſtated to be among "great people," but the preciſe limits of this greatneſs are not laid down, and we have lived to hear of routs among thoſe whom our author, in 1775, would have probably ſet down as "little people."

At what time the word *rout* began to be uſed in the ſenſe we now employ it, neither reſearch nor recollection has yet informed us. It muſt, however, have been previous to the year juſt mentioned.

tioned. Before that period, what we call a *rout* was a *drum*, and ſometimes a *hurricane*, and fortunately for our hiſtorical zeal, we are enabled to trace the *drum* above half a century back, and nearly, as it is ſuppoſed, to its origin. More fortunately ſtill, we are enabled to give an account of the amuſement from an author of that time, whoſe authority will not be diſputed in ſuch matters, the facetious Henry Fielding, who in his inimitable novel, Tom Jones, book xvii. ch. 6, thus inſtructs his poſterity:

"A *drum* is an aſſembly of well dreſſed perſons of both ſexes, moſt of whom play at cards, and the reſt do nothing at all: while the miſtreſs of the houſe performs the part of the landlady at an inn, and like the landlady of an inn prides herſelf in the number of her gueſts, though ſhe doth not always, like her, get any thing by it."

Whoever has had the honour of being preſent at one of the aſſemblies we now treat of, muſt at once perceive that this is a correct account of a *rout*. Why the latter word was ſubſtituted for *drum*, or *drum* for *hurricane*, are queſtions which cannot now be anſwered. But it is a ſtriking proof of the modeſty of thoſe whom Dr. Aſh calls the "great people," that in all amuſements of their own contrivance, they ſelect names which, according to the uſual acceptation, are at variance with eſtabliſhed prejudices, and indeed with the natural law of ſelf-preſervation; and as this inſtance of humility cannot be denied, why ſhould it not be proclaimed?

Before the year 1749, when Fielding publiſhed his work, we have not been able to diſcover any entertainment that bears a reſemblance to the *rout*. If it did exiſt before that time, it may have lurked under the form of tempeſt, or tornado, or been ſwallowed up in an earthquake. *Aſſemblies*, ſo frequently mentioned by prior writers, were chiefly for the purpoſes of dancing, and not unlike thoſe now cuſtomary, not only in the metropolis, but in every town where there is what may be called "a genteel neighbourhood," capable of building a "genteel aſſembly-room," and wiſe enough, if the ſcheme does not ſucceed, to let it for "a methodiſt meeting."

But although the *rout* may thus be proved to have exiſted above half a century, there can be no doubt that it has partaken of the improving genius of the times. We have read in former days of two hundred perſons being preſent at one *rout*. This of courſe muſt have been in the infancy of the undertaking, or probably before houſes were ſo built as to be entirely converted into a ſuite of rooms for public days. Few ladies now would take pride in a rout of two hundred; but from that to five hundred "and all beyond," is certainly worthy of all the honours which newſpaper-hiſtorians can beſtow; and it is the accuracy of deſcription, and correctneſs of enumeration, and the claſſical

taſte diſplayed by thoſe gentlemen in painting the glories of variegated lamps, and illuſtrative paſtry, which has given an eclat to modern *routs*, and induces perſons who live in the remote parts of the kingdom to ſuppoſe them a new amuſement, becauſe they never read of ſuch before, and never could ſuppoſe that a paper profeſſedly eſtabliſhed for political, commercial, or literary intelligence, ſhould for three months in the year be devoted to a ſpecies of information from which no rational being can derive the ſmalleſt particle of inſtruction, and which from being a repetition of the ſame cant terms about "feſtoons," "coloured lamps," "chalked floors," pyramids of paſtry," "taſteful evergreens," "early cherries," &c. &c. loſes the little portion of attractive curioſity it originally poſſeſſed.

When the dimenſions of the largeſt ſuites of rooms appropriated to routs are compared with the number of perſons who are ſaid to be preſent, a cautious man will be ready to doubt the veracity of the accounts he reads, or to dread very fatal conſequences from the exceſſive preſſure and confinement. But ſuch notions proceed on a miſtake which the hiſtorians of routs ſeem not very anxious to explain. The truth is, that although five hundred perſons "of the firſt diſtinction" are preſent, they are not all preſent at one time. During the whole evening, or rather night, they are making their entrances and exits in parties, ſome not ſtaying longer than to ſhew the lady of the manſion that they have honoured her invitation, and then repairing to keep another engagement, perhaps of the ſame kind, but where ſome ſuperior attraction may detain them longer.

Notwithſtanding this ebb and flow, we would not be thought to inſinuate that at no one time is the company more numerous than the houſe will hold. We can better ſympathize with that which dignifies a *rout* than to reduce it to the unmoleſted conveniences of a private party, or to deceive our readers, by aſſerting that it reſembles the domeſtic ſatisfaction of which they partake in their little circles. On the contrary, the moſt faſhionable *routs* are ſo wiſely contrived, that there is always ſuch a degree of inconvenience, heat, preſſure, and ſymptoms of ſuffocation as if, were they impoſed by law, would be accounted intolerable, and would, perhaps, excite a rebellion. Some have compared theſe oppreſſions to the diſtreſſes of the Engliſh priſoners in the dungeon at Calcutta, and ſome to what uſed to be the ſituation of the negroes in an African ſhip: theſe may be exaggerations; but as the quantity of ladies who faint away, the number of dreſſes torn while the owners are ſqueezing through the rooms to reach their carriages, the number of carriages and footmen's legs broken, are circumſtances related with vivid elegance of narration, and ſeem to conſtitute all that a *rout* is worth living for, the ſuſpicion is, that the conſtitutions of the "great people" are ſo far ſtronger than thoſe of the "little" that they can bear

certain diſtreſſes with more patience, and can bear viciſſitudes of climate, and revolutions of night and day, which would utterly unfit the others for their ordinary employments.

Why, as Fielding has remarked, the pride of numbers ſhould be the chief pride of a *rout*, we are unable to explain, and have made many inquiries to no purpoſe. The laws of faſhion are a ſyſtem of precedents, but they have no preambles like the laws of the land, giving the *rationale*, the reaſons and cauſes why they are enacted. We are not, however, inclined to ſpeak harſhly on the ſubject, nor to treat with contempt an inſtitution ſo honoured as the *rout*. It may have its advantages which we are not able to diſcover from want of penetration, or which perhaps may be induſtriouſly concealed to render them leſs common. One purpoſe may be, to ſhew in theſe ſeditious times that *mobs* may aſſemble for the moſt harmleſs purpoſes, and depart in as much regularity as their numbers and the places where they meet will admit; and it is certain, that an aſſembly of five hundred perſons of "the vulgar" could not reaſonably be expected to meet together unleſs for the purpoſes of miſchief.

But whatever the original object of routs was, the example is faſt deſcending among thoſe whom our lexicographers would not probably conſider as "great people." We were not long ſince honoured with a card to a rout given in a houſe of very moderate ſize, not one room exceeding fifteen feet ſquare, in which, however, about an hundred and fifty ladies and gentlemen were *incloſed*. The heat and preſſure were ſoon intolerable, and if ſuch imitations of routs are common, we can only wiſh that the human body were more capable of accommodating itſelf to its appointed ſhell, or that the walls of houſes were made of elaſtic materials that would yield to the requiſite expanſion of their contents. But although neither of theſe be poſſible in the preſent imperfect ſtate of all human things, it muſt be mentioned as ſome conſolation to thoſe who wiſh to ape the routs of their ſuperiors, that, as far as inconvenience and a total deprivation of the comforts of good air and locomotion are circumſtances of the enviable kind, they are of all people beſt enabled to rival ladies of faſhion, by the ſmallneſs of their houſes, and the narrowneſs of their ſtreets.

R. S.

HISTORY *of* CAPTAIN WINTERFIELD.

By Mr. HARRISON.

CAPTAIN WINTERFIELD was a native of Scotland, and, at the age of twenty-five, had loſt a moſt amiable conſort,

conſort, about ſix weeks after ſhe had preſented him with a daughter, the firſt pledge of their mutual affection.

This unhappy event produced in the captain a ſettled melancholy, which time ſeemed unable to efface: nor could the arguments of friends, or the ſtill more powerful advocate of a youthful conſtitution, naturally diſpoſed to ſhare and to embelliſh the joys of ſocial and domeſtic life, prevail on him to renew thoſe vows which death had ſo fatally diſſolved.

His mother, who was a moſt exemplary character, had for ſome years been a widow; and that turn for gaiety which had accelerated the death of a beloved huſband, had at the ſame time reduced her from a ſtate of competence to hardly a bare ſubſiſtence. The old lady, therefore, now lived with her ſon; and ſhe endeavoured by the kindeſt offices, and the moſt unremitted attention, to ſoothe that affliction in which ſhe was but too well qualified to ſympathiſe. She repreſented to him the conſolation which ſhe had herſelf derived from the poſſeſſion of a child whoſe affectionate regards had in time reconciled her to life, and pointed out the moſt flattering reſemblances in their reſpective ſituations: his attention was perpetually directed to ſome new-diſcovered attraction in his little Penelope, and though every communication of this nature apparently gave him a temporary happineſs, he never failed on ſuch occaſions to pay dearly in private for the reflections they as conſtantly produced on the ineſtimable value of thoſe charms of which he was for ever deprived!

In this ſtate of mind he remained on half-pay till the commencement of the American conteſt, when his regiment was put into commiſſion, and ordered on that ſervice. At this period his daughter had attained her tenth year, and preſented every day a ſtronger reſemblance of her departed mother, as well in perſonal as in mental accompliſhments. A fortnight only was allowed him to prepare for his embarkation, and frequently, in this painful interval, with a firmneſs which few men could boaſt, did his manly cheek glow with the conſciouſneſs of thoſe tears, which the powerful operations of nature forced from their latent ſpring, as he preſſed to his beating boſom his lovely girl, with all the heartfelt forebodings of parental apprehenſion; and often did her little watchful eye mark the progreſs of the glittering drop, and printing with her quivering lip the track which it had purſued, inquire the unconſcious cauſe in accents of evident anguiſh, and with looks of yet ſtronger expreſſion! From the moment in which the unwelcome ſummons had arrived, the good old gentlewoman ceaſed not to intreat her ſon, that he would avail himſelf of the plea of indiſpoſition, to which he was ſo fully entitled, as the only means of detaining him at home, where his health was alone likely to be re-eſtabliſhed: but he diſdained to liſten to motives which might leave

his unblemiſhed reputation liable to the ſmalleſt ſuſpicion, and prepared with alacrity to obey the call of honour.

Having made the neceſſary arrangements, he took leave of his affectionate mother, and his dear little girl, with that mournful kind of adieu, which ſeems to relinquiſh the hope of ever again beholding the objects from which the ſuffuſed eye unwillingly turns away. For a few moments he folded them in his arms; and recommending them to the protection of Heaven, with a ſigh which he vainly endeavoured to ſuppreſs, haſtened from all he held dear, without once daring to look back; and, fortifying himſelf againſt thoſe ſounds of anguiſh, which fancy preſented loudly to his ear, went on board the tranſport which was to convey his troops acroſs the Atlantic, and arrived ſafe in America, after a paſſage of about ſix weeks.

It was not till the departure of the captain, that Mrs. Winterfield experienced the full force of grief; in her kind efforts to conſole the affliction of an adored ſon, ſhe had, as it were, experienced a ceſſation of her own anguiſh: but now, far from endeavouring to repreſs the conflict in her boſom, ſhe abandoned herſelf to ſorrow, and wept almoſt inceſſantly till the fatal account arrived of the battle at Bunker's Hill, where ſo many Britiſh officers ſeemed cruelly ſelected for ſlaughter; when not at all doubting that the name of Captain Winterfield was included in the fatal liſt, her agony increaſed to ſuch a height that ſhe became inſtantly diſtracted, and continued in that moſt melancholy of all ſituations upwards of ſix months, before ſhe could poſſibly be ſatisfied that her ſon ſtill lived; nor would ſhe at laſt have been convinced, had ſhe not received an incontrovertible evidence of his perfect ſafety under his own hand.

In the mean time, the captain, whoſe amiable diſpoſition and intrepid behaviour procured him univerſal eſteem, had contracted the ſtricteſt intimacy with his ſuperior officer, Colonel Bellinger, who never failed to conſult him on every affair of moment, whether of a private or of a profeſſional nature.

The colonel was about eight years younger than Captain Winterfield: he was, likewiſe, a native of North Britain, but, having married a lady of immenſe fortune in England, by whom he had two ſons and a daughter, his chief reſidence, when at home, was in the county of Norfolk. The lady of Colonel Bellinger doated on him to diſtraction, and continually implored him to quit a profeſſion ſo unfavourable to their loves, and the neceſſity of purſuing which had been happily prevented by the kindneſs of fortune; but the nice and delicate feelings of a ſoldier's honour prevented his acquieſcence in a requeſt of this nature, though his denials coſt him many a pang. He communicated to his faithful friend every ſource of his regrets, and was ſtrengthened in his reſolution by the approbation of a heart

which,

which, though tender as that of an infant, was equally a ſtranger to fear or deceit.

For upward of four years they conſtantly fought together, and neither of them had received the ſmalleſt hurt: about this time, however, Captain Winterfield was ſlightly wounded in the leg, as he went out with the colonel to reconnoitre, but in leſs than three months the wound was entirely healed.

The fears of the captain had been awakened by this accident, for the ſituation of his Penelope and her grandmother, to ſuch a degree, as to produce a violent fever; and the colonel, who never ceaſed to viſit him at leaſt once a day during his confinement, having diſcovered the cauſe of his anxiety, which a becoming delicacy had prompted him as much as poſſible to conceal, charged himſelf, on the honour of a ſoldier, with the care of Mrs. Winterfield, and his little daughter, ſhould that event take place, at any future period, which he doubted not he would happily eſcape on the preſent occaſion. The kindneſs and generoſity of this aſſurance contributed more to Captain Winterfield's ſpeedy recovery than all the efforts of his ſurgeon, the utmoſt exertions of whoſe ſkill had hitherto been baffled by the mental diſeaſe of his unhappy patient.

Shortly after the captain's recovery an expedition up the country was projected, and it was executed by theſe gallant officers with the moſt brilliant ſucceſs. In their return, however, an accident occurred, which had nearly proved fatal to the colonel. Having diſperſed every appearance of an enemy, while they one day halted to relieve the ſoldiers from the fatigue of a long march, the colonel, who was remarkably fond of fowling, propoſed an excurſion for that purpoſe in a neighbouring wood. Captain Winterfield and two other officers were of the party, and they agreed to divide two and two, and not to penetrate more than half a mile or a mile at fartheſt, without forming a junction at that diſtance, as nearly centrical as poſſible from the ſpot where they ſet out.

The colonel and Captain Winterfield were together, and they had not proceeded more than five or ſix hundred yards, when they were alarmed by a general diſcharge of muſquetry. On advancing toward the ſpot from whence the ſound proceeded, they diſcovered ſix armed ſavages engaged with the officers from whom they had juſt ſeparated. A couple of ſavages likewiſe lay wounded on the ground, and the colonel and captain levelling their pieces brought two more to the earth; the other four, terrified at this unexpected ſtroke, fled with precipitation toward the thicket where the colonel was ſtationed; and before he or his friends could reload, had beat him down with their muſquets, and would in a few minutes have diſpatched him with their tomahawks, had not Captain Winterfield, and the other two officers, immediately ruſhed to his aſſiſtance, and each of them

them transfixed an aſſailant with his bayonet. There was now only one left; and he would have proved ſufficiently formidable for the deſtruction of the colonel, againſt whom his armed hand was already raiſed, had not Captain Winterfield, with an admirable preſence of mind, and the moſt undaunted reſolution, relinquiſhed his muſquet; and, ſpringing on the ſavage among the buſhes, brought him inſtantly to the ground; while one of the other officers, who had by this time diſengaged his bayonet, plunged it into the bowels of the proſtrate victim.

The colonel had received two violent contuſions on his head, and was otherwiſe much bruiſed and wounded in ſtruggling with the ſavages. Captain Winterfield bound up his wounds; and, with the aſſiſtance of his brother officers, carried him to the tent, where the ſcull being examined by the chief ſurgeon, it was found to be terribly fractured in both places.

(To be continued.)

Singular Inſtance of Affection in a Gander.

THE following inſtance of warm affection in a gander was communicated to the Comte de Buffon by a man both of veracity and information. The following are nearly his own words:—There were two ganders, a grey and white one (the latter named Jacquot) with three females. The two males were perpetually contending for the company of theſe three dames. When one or the other prevailed, it aſſumed the direction of them, and hindered the other from approaching. He who was the maſter during the night, would not yield in the morning, and the two gallants fought ſo furiouſly, that it was neceſſary to run and part them.

It happened one day, that being drawn to the bottom of the garden by their cries, I found them with their necks entwined, ſtriking their wings with rapidity and aſtoniſhing force; the three females turned round as wiſhing to ſeparate them, but without effect; at laſt the white gander was worſted, overthrown, and maltreated by the other. I parted them, happily for the white one, as he would otherwiſe have loſt his life. Then the grey gander began ſcreaming, and gabbling, and clapping his wings, and ran to join his miſtreſſes, giving each a noiſy ſalute, to which the three dames replied, ranging themſelves at the ſame time round him. Meanwhile poor Jacquot was in a pitiable condition, and, retiring, ſadly vented at a diſtance his doleful cries. It was ſeveral days before he recovered from his dejection, during which time I had ſometimes occaſion to paſs through the court where he ſtayed. I ſaw him always thruſt out from ſociety, and each time I paſſed he came gabbling to me.

One day he approached ſo near me, and ſhewed ſo much friendſhip, that I could not help careſſing him, by ſtroking with my hand his back and neck, to which he ſeemed ſo ſenſible, as to follow me into the entrance of the court. Next day, as I again paſſed, he ran to me, and I gave him the ſame careſſes, with which alone he was not ſatisfied, but ſeemed, by his geſtures, to deſire that I ſhould lead him to his mates. I accordingly did lead him to their quarter, and upon his arrival, he began his vociferations, and directly addreſſed the three dames, who failed not to anſwer him. Immediately the grey victor ſprung upon Jacquot. I left them for a moment; he was always the ſtronger; I took part with my Jacquot, who was under; I ſet him over his rival; he was thrown under; I ſet him up again. In this way they fought eleven minutes, and by the aſſiſtance which I gave, he obtained the advantage over the grey gander, and got poſſeſſion of the three dames.

When my friend Jacquot ſaw himſelf maſter, he would not venture to leave his females, and therefore no longer came to me when I paſſed: he only gave me at a diſtance many tokens of friendſhip, ſhouting and clapping his wings, but would not quit his companions, leſt, perhaps the other ſhould take poſſeſſion. Things went on in this way till the breeding ſeaſon, and he never gabbled to me but at a diſtance. When his females, however, began to ſit, he left them, and redoubled his friendſhip to me. One day, having followed me as far as the ice-houſe, at the top of the park, the place where I muſt neceſſarily part with him, in purſuing my way to a wood at half a league diſtance, I ſhut him in the park. He no ſooner ſaw himſelf ſeparated from me than he vented ſtrange cries. However, I went on my road, and had advanced about a third of the way when the noiſe of a heavy flight made me turn round my head: I ſaw my Jacquot four paces from me. He followed me all the way, partly on foot, partly on wing, getting before me, and ſtopping at the croſs paths to ſee what way I ſhould take.

Our expedition laſted from ten o'clock in the morning till eight in the evening, and yet my companion followed me through all the windings of the wood, without ſeeming to be tired. After this he followed and attended me every where, ſo as to become troubleſome, I not being able to go to any place without his tracing my ſteps, ſo that one day he even came to find me in the church. Another time, as he was paſſing by the rector's window, he heard me talking in the room; and, as he found the door open, he entered, climbed up ſtairs, and marching in, gave a loud burſt of joy, to the no ſmall affright of the family.

I am ſorry, in relating ſuch pleaſing traits of my good and faithful friend Jacquot, when I reflect that it was myſelf that firſt diſſolved the ſweet friendſhip; but it was neceſſary that I ſhould

ſhould ſeparate him by force. Poor Jacquot fancied himſelf as free in the beſt apartments as in his own, and after ſeveral accidents of that kind he was ſhut up, and I ſaw him no more. His inquietude laſted above a year, and he died from vexation. He was become as dry as a bit of wood, as I am told, for I would not ſee him, and his death was concealed from me for more than two months after the event. Were I to recount all the friendly incidents between me and poor Jacquot, I ſhould not, in four days, have done writing. He died in the third year of the reign of friendſhip, aged ſeven years two months.

SINGULAR CHARACTER.

JAMES HOSIER died lately at Camſbarren, near Stirling. He was born in 1699, while his father, who belonged to the pariſh of Gurgunnock, was butler in the houſe of Blair-Drummond. He was about forty-five years old when he firſt married, after which he ſerved two years as a common ſoldier. During his life he had two wives, by whom he had fifteen children; his ſecond marriage was in 1772. He was eighty-three years old when he had his laſt child, and, though repeatedly expoſed to the infection of ſmall-pox in his own family and otherwiſe, yet he was not affected till the age of ninety-five, when he ſuffered under an uncommon load of ſmall-pox; having recovered, he enjoyed a better ſtate of health than he had done for ſome time before. He was naturally ſhort-ſighted, but in the 80th year of his age his ſight was ſo much renewed, that, though reading ſmall print, he never had occaſion to uſe glaſſes. At this period of his life he, all at once, gave up drinking ſpirituous liquors, to which, for a long time, he had been ſo much addicted as to produce frequent intoxication. His body was well made and ſtout, was 5 feet 5 inches high; he walked remarkably ſtraight, his cheſt was prominent, his neck thick and ſhort, and his head of the ordinary ſize. He lived chiefly on coarſe country food, except that, during the laſt ten years of his life, he became particularly fond of tea. He wrought moſtly in the fields at laborious work, which he continued till within a month of his death.

In September, 1802, he walked for half a mile with a load upon his back, which, with difficulty, any ordinary man could have raiſed from the ground. Several years ago it was advertiſed in the public papers, that an Admiral Hoſier had died and left a ſum of money which his relations might have upon application; and though, as he had an uncle of the name of Hoſier who went into the navy when a boy, there was little doubt of his being the ſame perſon, yet, conſidering that at ſuch an advanced period of life, eaſe of mind was preferable to the expectation of riches, he could not be prevailed upon to make any application whatever.

THE STAKE BROUGHT TO THE BEAR.

THE late Alderman Wilkes going one day to Dolly's Beef-ſteak Houſe, accidentally ſeated himſelf near a purſe-proud citizen, who roared out for his *ſtake*, as he called it. The alderman, in the mean time, on aſking him ſome common queſtion, received a very brutal anſwer. The ſteak coming, at that inſtant Mr. Wilkes turned to his friend, ſaying, "See the difference between the city and the bear-garden: in the latter, the *bear* is brought to the *ſtake*; but here the *ſtake* is brought to the *bear*."

JUST ESTIMATION OF SUPERIOR GENIUS.

THE emperor Charles V. aſked Michael Angelo, one day, in what eſtimation he held Albert Durer? When, with all the noble frankneſs of a man of genius, who knows how to appreciate ſuperior talents, he inſtantly replied, "I eſteem him ſo highly that I would, if I were not Michael Angelo, much rather be Albert Durer than even the emperor Charles V."

ANECDOTE *of a* LION.

IN the reign of King James I. Mr. Henry Archer, a watchmaker in Morocco, had two whelps given him, which had been ſtolen not long before from a lioneſs near Mount Atlas. They were male and female, and till the death of the latter were kept together in the emperor's garden. He, at that time, had the male conſtantly in his bed-room, till he was as tall as a large maſtiff dog; he was perfectly tame and gentle in his manners.

Being about to return to England, he reluctantly gave the animal to a Marſeilles merchant, who preſented him to the French king, from whom he came as a preſent to our king, and, for ſeven years afterwards, was kept in the tower. A perſon of the name of Bull, who had been a ſervant to Mr. Archer, went by chance, with ſome friends, to ſee the animals there. The beaſt recognized him in a moment; and, by his whining voice and motions, expreſſive of anxiety for him to come near, fully exhibited the ſymptoms of his joy at meeting with a former friend. Bull, equally rejoiced, ordered the keeper to open the grate, and he went in. The lion fawned upon him like a dog, licking his feet, hands, and face, and ſkipped and tumbled about to the aſtoniſhment of all the ſpectators. When the man left the place the animal bellowed aloud, and ſhook his cage in an ecſtacy of ſorrow and rage, and for four days refuſed to take any nouriſhment.

Anſwer, by J. Channon, of Ottery, to Amicus's Charade, inſerted February 14.

YOUR charade, Sir, if I deem right,
DARTMOUTH quickly brings to fight.

☞ We have received the like anſwer from J. Whittle, of Upway; John Squance, B. H. W. Strong, P. Gove, and W. Strong, of Exeter; J. Lewis, and J. Adey, of Poole; J. O. Zillwood, of Dorcheſter; and R. Maſſett, of Saltaſh.

Anſwer, by R. E. Reynolds, Jun. of Yeovil, to W. Read's Rebus, inſerted Feb. 14.

MAY we fair TRUTH thy ſolid turrets climb,
Whoſe heavenly precepts truly are ſublime,
And ever follow thy refulgent rays,
Which guide us from deceit's benighted maze.

*** We have received the like anſwer from J. Whittle, of Upway; Amicus, and J. Lewis, of Poole; T. Whicker, J. Squance, William Strong, and H. Humphreys, of Exeter; J. Tremlett, of Newton Buſhel; P. Ninnis, of St. Auſtell; S. L. Margary, of Newton Abbot; R. Maſſett, of Saltaſh; and B. of Millbrook.

A CHARADE, *by Eleanor, of Plymouth-Dock.*

WHEN to my firſt a culprit's brought,
He oft is true repentance taught;
The miſer too, with open hand,
Cannot my ſecond's power withſtand:
In markets large my whole is ſtruck,
And when at church I wiſh you luck.

A REBUS, *by W. Strong, of Exeter.*

KNOW, ſapient youths, that I have been the cauſe
Of blaſting nations, and diſſolving laws;
Of hurling freedom proſtrate to the ground,
And ſeating famine, with her train, around;
I've been the author of ten thouſand woes,
And guarded fair Britannia from her foes;
Nay more—I often do befriend the fair,
And of their honour take a ſpecial care.
But fancy not that I in broils delight;
I ſhine in peace, as well as in the fight;
I riots quell; and ſhould fair honour's fame
In queſtion ſtand, or fear a tarniſh'd name,
Swift as a ſhaft ſhe flies to me for help,
And fierce I go, as e'en the lion's whelp;
To pen my ev'ry deed, and ſing my praiſe,
Would be a work for man thro' all his days.

☞ *The Tale, by Juvenis, of Plymouth, is rather* too juvenile. *The favours of correſpondents will always be thankfully inſerted if they have merit, but if not they muſt neceſſarily be excluded.*

*** *Several articles having already been inſerted on the miſeries of war, and the bleſſings of peace, it is deemed unneceſſary to inſert the piece from St. Ives, eſpecially as it is by no means free from imperfections.*

POETRY.

For the Weekly Entertainer.

Lines addreſſed to a young Lady.

WHILST on thy tender looks I gaze,
And watch the pleaſing ſmile,
Methinks this throbbing heart would ſay,
Ah! tarry there awhile.

The bluſhing roſe, thy blooming cheek;
The ſtarry zone, thoſe eyes;
But, ah! alas! how vain my hopes,
Another boaſts thy ſighs.

If e'er within thy virgin breaſt,
Compaſſion ever grew;
Then pity me, thy wretched ſlave,
Who ſighs alone for you.

O turn not then, with cold diſdain,
Nor threat with angry brow;
For know the flame which you gave birth,
Will never ceaſe to glow.

I'll ſeek ſome lone, ſequeſter'd cot,
Where dwells contentment free;
Far from the buſy haunts of men,
There talk of love and thee.

Plymouth-Dock. SPERANS.

The Young Crows and the Young Wrens. A Tale.

A Crow upon a lofty tree
Did build her ſticky neſt;
And younglings did ſhe bring to light,
In number five at leaſt.

One morning, on a ſummer's day,
Did peep eche youngling crow,
And ſpied upon a bramble buſh
Some youngling wrens below.

Theſe ſimple wrens in happy glee
Did ſpread their little wing,
And lightſome hopp'd from buſh to buſh,
And merrily did ſing.

"Poor humble creatures!" cry'd the crows,
"Eche is a beggar wight;
"Look up to us, and ſee our ſtate,
"Our houſes lofty height.

"We look into the beamy ſkies,
"While you thro' hedges wade;
"We gaze upon the morning ſun,
"While ye are loſt in ſhade.

"Poor imps, depart, nor here offend;
"Take off eche ſelie face;
"This hill was only made for crows,
"Then do not us diſgrace.

"If you do not this region quit,
"We'll dung upon you ſoon."
The ſmiling wrens made anſwer none,
But trill'd their little tune.

Short time had paſs'd, when ſuddenly
Grim Boreas 'gan to howl,
The thunder crack'd, the lightning flaſh'd,
And frighted man and fowl.

While thus the dreadful thunder crack'd,
And lightning broad did flaſh;
The limbs whereon the crows were perch'd
Did give a ſudden craſh.

Down came the limb, and with it down
Did tumble eche young crow;
Some broke their legs, and ſome their wings,
And doleful look'd below.

'Twas now the time for wrens to jeer;
So forth did fly the train,
And, twitt'ring, ſaw with ſmiles the crows
All ſprawling on the plain.

Then taunting an arch wren began:
"Sir-crows, of high renown,
"Ye came, by this your dirty trim,
"All in a hurry down.

"And by the look of all your limbs,
"And feathers ſous'd with rain,
"It will be ſome ſmall time before
"Your graces mount again.

"Proud fools, how ſelie ye deſcend
"From ſkies to dirty ſens!
"Thank Heaven, with hedges we're
"content,
"And happy to be wrens!"

TO THE MYRTLE.

UNFADED branch of verdant hue,
In modeſt ſweetneſs dreſs'd,

Shake

Shake off thy pearly tears of dew,
And decorate my breaſt.

Dear emblem of the conſtant mind,
Truth's conſecrated tree,
Still ſhall thy trembling bloſſoms find
A faithful friend in me.

Nor chilling breeze, nor drizzling rain,
Thy gleſſy leaves can ſpoil,
Their ſober beauties freſh remain
In every varying ſoil.

If e'er this aching heart of mine
A wandering thought ſhould prove,
O let thy branches round it twine,
And bind it faſt to love.

For ah! the little fluttering thing,
Amid life's tempeſt rude,
Has felt affliction's ſharpeſt ſting,
Yet triumphs unſubdued.

Like thee it braves the wintry wind,
And mocks the ſtorm's fierce power,
Tho' from its hopes the blaſt unkind
Has torn each promis'd flower.

Tho' round its fibres barbarous fate
Has twin'd an icy ſpell,
Still in its central fires elate,
The pureſt paſſions dwell.

The MAID *of* BUTTERMERE.

SWEET muſe, the child and friend of woe,
Sweet lyre, to ſorrow ever dear,
O may your ſofteſt accents flow,
To mourn the maid of Buttermere.

As ſome fair violet in the dale
Delights its lonely head to rear;
As ſpreads its fragrance in the gale,
So bloom'd the maid of Buttermere.

As 'ſcapes the bud the clouted ſhoon,
And many a wand'ring footſtep near;
So 'ſcap'd thro' nature's dangerous noon,
The grace and charm of Buttermere.

As ſome rude townſman's paſſes nigh,
And plucks the flower to all ſo dear;
So one rude hand, one keener eye,
Pluck'd the fair flower of Buttermere.

If by true paſſion led aſtray,
Thy boſom felt love's tender fear,
Who ſhall not mourn the fatal day,
That cruſh'd the pride of Buttermere.

The wounded flower ſhall ſtill ſurvive,
Shall bloom and charm ſome future year!
But who ſhall bid that heart revive,
That beats ſo ſad at Buttermere?

O! rack'd by ſtorms, by tempeſts toſt,
By fell repentance torn and fear;
On ſome wild ſtrand the ſpoiler loſt
Shall mourn the wrongs of Buttermere.

For Mary many a tear ſhall fall,
And heav'd be many a ſigh ſincere;
And oft ſome pitying breaſt recal
The burſting heart at Buttermere.

SOPHIA.

SONG *to* HOPE.

COME, hope, thou little cheering ſprite,
And let us ſet this quarrel right;
Come thou to me,
Or I to thee,
No matter, ſo we but agree.

You told me Phillis would be true,
I truſted her, I truſted you;
She prov'd a jade,
I was betray'd,
And this was one fly trick you play'd.

You promis'd me to launch a dart
At Partheniſſa's ſtubborn heart;
You ſwore t'would hit;
The deuce a bit;
It miſs'd—you told a ſecond tit.

You ſaid, baſe imp, that I ſhould find
Belinda beſt of woman kind;
The knot was ty'd,
She was my bride;
She was my plague—again you ly'd.

A thouſand times you vow'd and ſwore,
And ſibb'd and flatter'd o'er and o'er,
Tho' all was vain,
It lull'd my pain;
Come then, and cheat me o'er again.

S O N G.

WHEN ſcorn was couch'd in Chloe's eye,
I pin'd, and drew the penſive ſigh:
When Chloe frown'd I ſigh'd again;
There was no reſpite to my pain:
At length, determin'd to be free,
I ſmil'd, and Chloe ſigh'd for me.

EPIGRAM.

SAYS Jack to Tom you are a rogue and a cheat;
Says Tom to Jack you're a raſcal complete;
Quoth Richard, the truth of the proverb I ſee,
That *two of a trade* can never agree.